

DAC #14

PATENT
Docket No.: 12013/55202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wei-Ping Li *et al.*
SERIAL NO. : 09/750,779
FILED : January 2, 2001
FOR : Controlled Delivery of Therapeutic Agents by Insertable Medical
Devices
GROUP ART UNIT : 1632
EXAMINER : Dave Nguyen

**ATTENTION: Petitions Examiner Office of the Deputy Assistant Commissioner of
Patents**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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AUG 27 2003

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.78(a)(3)

S I R:

Pursuant to 37 C.F.R. § 1.78(a)(3), the Applicants petition for the acceptance of an unintentionally delayed priority claim under 35 USC § 119 and 37 C.F.R. § 1.78(a)(2).

The Applicants' petition is directed to the benefit of prior provisional application 60/173,743 filed December 30, 1999.

The entire delay between May 2, 2001, the date the priority claim was due under 37 C.F.R. § 1.78(a)(3) (4 months from filing), and the date this claim was filed, was unintentional.

08/20/2003 HUUONG1 00000055 110600 09750779

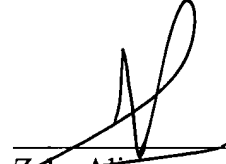
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Attached herewith is an Amendment Under 37 C.F.R. §1.116 that includes an amendment to the specification reflecting the priority claim.

The Office is hereby authorized to charge the Petition Fee under 37 C.F.R. § 1.17(t) to Deposit Account No. 11-0600. The Examiner is invited to call the undersigned at (202) 220-4258 to discuss any information concerning this application.

Respectfully submitted,

Dated: August 20, 2003



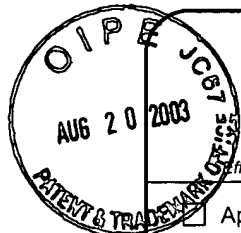
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1300.00

Complete if Known

Application Number 09/750,779
Filing Date January 2, 2001
First Named Inventor Wei-Ping Li et al.
Examiner Name Dave Nguyen
Art Unit 1632
Attorney Docket No. 12013/55202

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AUG 27 2003

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

11-0600

Deposit
Account
Name

Kenyon & Kenyon

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
61	-66 ** = 0	X 18	= 0
Independent Claims	10	-10 ** = 0	X 84 = 0
Multiple Dependent		X	= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (a)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Petition Under 37 C.F.R. 1.78(a)(3)

1300

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 1300.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Zeba Ali Registration No. Attorney/Agent 51,392 Telephone (202) 220-4200
Signature [Signature] Date August 20, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.